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Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Peaceful uses of nuclear energy

Working paper submitted by Iraq on behalf of the States members of the League of Arab States

I. Background

1. At the eighteenth session of the Council of the League of Arab States at the Summit level, that was held in Khartoum in 2006, the Arab States announced action at both the national and regional levels to develop programmes for the peaceful uses of nuclear energy, with a view to achieving development in various spheres. At its nineteenth, twentieth and twenty-first sessions, held in Riyadh in March 2007, Damascus in March 2008 and Doha in March 2009, respectively, the Council of the League of Arab States at the Summit level discussed that issue, and adopted the following important resolutions:

(a) Resolutions Nos. 383, 425 and 471, entitled Development of the peaceful uses of nuclear energy in the States members of the League of Arab States, which determined that Arab States would, at the national level, focus on training staff and establishing the scientific and research bases for the development of nuclear energy;

(b) Resolutions Nos. 384, 426 and 472, entitled Development of joint Arab programmes for the use of nuclear energy for peaceful purposes, which called for Arab regional cooperation in carrying out joint projects in order to underpin development in those fields.

2. At successive sessions, the Council of the League of Arab States at the Summit level adopted resolutions that affirmed the inalienable right of the Arab States to benefit from the peaceful uses of nuclear energy, as provided for in the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). In that connection, the Arab States reject attempts to restrict or limit that right while privileges are granted to certain States not parties to the Treaty.

3. Resolution No. 472, which was adopted in Doha on 30 March 2009 at the twenty-first session of the Council of the League of Arab States at the Summit level, endorsed the Arab strategy for the peaceful uses of nuclear energy to 2020, which was drafted by the Arab Atomic Energy Agency in 2008.

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II. The position of the Arab States

4. The Arab States affirm that the peaceful uses of nuclear energy are a fundamental right of the parties to the Treaty, and that any reinterpretation of that right is prohibited by article IV, paragraph 1, of the Treaty, which provides: Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.

5. The Arab States consider that any breach of article IV, paragraph 1, of the Treaty, would be inconsistent with one of the principles that prompted the non-nuclear States to become parties to the Treaty, namely, that the right to benefit from the peaceful uses of nuclear energy was unrestricted and non-discriminatory; and affirm that all States parties are entitled to obtain the international support necessary to develop their capacities in the field of the peaceful uses of nuclear energy.

6. The Arab States affirm the importance of the principle that every country has the right to express its choices and take its own decisions with regard to the peaceful uses of nuclear energy without prejudice to its policies, the agreements and arrangements that it has concluded under international cooperation programmes in the field of the peaceful uses of nuclear energy or its policy with respect to the nuclear fuel cycle.

7. The Arab States believe that strengthening the rights of States parties to the Treaty in those fields will underpin and reinforce the Treaty, particularly in view of the fact that those States are committed to the safeguards agreements concluded with the International Atomic Energy Agency, which is the sole international body authorized to verify whether or not a State is in compliance with its safeguards agreements.

8. While persistent attempts are being made to restrict the right of States parties to the Treaty to benefit from the peaceful uses of nuclear energy, the States that possess nuclear materials and technology are cooperating with non-States parties to the Treaty, thereby demonstrating the double standards that are used with regard to Decision 2, paragraph 12, of the Principles and Objectives for Nuclear Non-Proliferation and Disarmament that was adopted by the 1995 NPT Review and Extension Conference.

9. The Arab States are therefore concerned that a non-party State has again been exempted from the Guidelines for Nuclear Transfers issued by the Nuclear Suppliers Group, which prohibit nuclear transfers to non-party States whose nuclear facilities are not subject to International Atomic Energy Agency safeguards regimes. Such transfers contravene article III, paragraph 2, of the Treaty and damage its credibility.

10. Although many Arab States have voluntarily signed additional protocols, they all reject attempts to make such additional protocols a necessary rather than a voluntary condition for the acquisition of peaceful nuclear technologies and the exchange of information to promote their development, when States outside the nuclear non-proliferation regime have been exempted from that condition and have not been pressed to accede to the Treaty.

11. On the basis of those considerations, the Arab States propose that the 2015 Review Conference of the Parties to the Treaty should consider the following recommendations:

(a) It should be emphasized that under article IV of the Treaty, all States parties have a fundamental and inalienable right to benefit from nuclear energy for peaceful purposes, and any restrictions to that fundamental right should be rejected;

(b) It should be affirmed that any reinterpretation of an article of the Treaty in such a manner as to hamper or infringe that fundamental right would constitute a clear violation of the Treaty and undermine its credibility and purpose; any attempt to make the voluntary conclusion of additional protocols into a precondition for the acquisition by developing States of peaceful nuclear technologies should be rejected;

(c) Respect for States' national decisions to benefit from the peaceful uses of nuclear energy should be emphasized; no steps should be taken that could hamper or negatively affect international cooperation on peaceful technologies with those States, so long as they remain committed to the safeguards agreements concluded with the International Atomic Energy Agency;

(d) It should be affirmed that the Agency is the authority with sole responsibility for verifying State compliance with commitments under the Treaty;

(e) Every State party to the Treaty should facilitate the exchange of scientific and technological materials and information in as complete a manner as possible in the context of the Treaty, so long as the State obtaining those materials or information is committed to the safeguards agreements concluded with the Agency, which is the entity with sole responsibility for verifying States parties' implementation of safeguards agreements. The Agency must preserve its impartiality and professional role, in accordance with its Statute;

(f) It should be emphasized that, as stated in Agency information circular 267 of March 1979 (INFCIRC/267), the technical assistance activities provided to Member States by the Agency should not be subject to any political, economic, military or other conditions incompatible with the Agency's Statute;

(g) The International Atomic Energy Agency should be called upon to increase the materials allocated for technical assistance to States parties and, in particular, the developing States;

(h) No new commitments for non-nuclear-weapon States parties to the Treaty should be accepted until there has been genuine progress in achieving the universality of the Treaty, realizing nuclear disarmament, ensuring that all States parties comply with current commitments and, in particular, ensuring implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference;

(i) No technical support should be provided to States not parties to the Treaty, in accordance with articles I, II and III of the Treaty and in order to safeguard its purpose and credibility;

(j) The Agency should be called upon to halt the technical programmes provided to Israel. Cooperation with Israel on nuclear issues should be suspended until it accedes to the Treaty as a non-nuclear-weapon State and places all its nuclear facilities under an International Atomic Energy Agency comprehensive safeguards agreement. Those steps are a necessary precondition in order to promote the universality, credibility and effectiveness of the Treaty.